

### **REMARKS/ARGUMENTS**

Claims 1-15 are pending in the application. Claims 10-15 have been amended to correct errors in respective preambles.

#### **Rejections under 35 USC 103(b)**

Claims 1-15 are rejected under 35 U.S.C.103(a) as being unpatentable over JP 7-320402 in view of admitted prior art. This rejection is respectfully traversed.

The primary reference JP 7-320402 disclosed an optical disk reproducing device. The Examiner asserts that the optical pickup module (14+19) and the gain controller (20 or 21) collectively anticipate the major claimed elements and steps of the present invention. The disclosed reproducing device is for disk content playback only and is configured to determine defects by monitoring if the difference between a reproducing signal and a delay version thereof exceeds a predetermined reference voltage.

With respect to claims 1 and 9, applicants note that the Examiner asserts that the element 64 in Fig. 3 of the primary reference anticipates the claimed comparator in claim 1 and the claimed determining step in claim 9 (OA page 2, lines 3-4 of the main paragraph). The element 64 of the recited reference is an elementary comparator which is only capable of directly comparing two signals. The claimed comparator is, however, capable of "comparing the DC value with a default range" (claim 9) or "determining if said DC value is within a default range" (claim 1). An elementary comparator, such as the recited element 64, can not compare a signal with a range of values. In fact, even a circuit combining all the subsequent stages in the recited reference between the sampling-holding circuit 51 and the element 66 can not directly achieve the function of comparing a signal with a range. Therefore, the element 64, alone or in combination of other elements in the recited reference, fails to anticipate or teach the claimed comparator (or the means for the claimed determining step).

Moreover, the claimed photodetector circuit is for detecting signals "when recording a data into a disk" (claim 9) or "when recording a data pit" (claim 1). The recited photo detection means 14+19 is, however, a pickup module of an optical disk reproducing device. In other words, the recited photo detection means 14+19 is for converting optical signals when reading data from a disk. "All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)", MPEP 2143.03. Applicants thus disagree with the alleged correspondence between the claimed photodetector and the recited photo detection means.

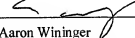
Based upon above arguments, the recited reference fails to anticipate claims 1 and 9 and all claims dependent therefrom. Applicants thus respectfully request the Examiner to withdraw the rejections of claims 1-15.

#### **Conclusion**

In the light of the above amendments and remarks, Applicants respectfully submit that all pending Claims 1-15 as currently presented are in condition for allowance. Accordingly, reconsideration is respectfully requested.

Respectfully submitted,  
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